

ORIGINAL

RESOLUTION APPROVING ZONING PETITION 84-71(C):
Modification of Commission Requirements

WHEREFIS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREFIS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-71(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 24, 1987; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 84-71(C), the petition of ROXBERRY DEVELOPERS FOUR, INC. AND FIRST AMERICAN EQUITY POLO CORPORATION, by Russell C. Scott, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND THE FOLLOWING CONDITIONS PLACED ON ZONING PETITION NO. 84-71, APPROVED JUNE 28, 1984:

Condition No. 22 of Zoning Petition No. 84-71 which states:

22. "The petitioner agrees to maintain a one hundred twenty-five (125) foot separation from the northern property line of the Le Lac Planned Unit Development for housing units to be located in Parcel K as depicted on the master land use plan for the Polo Club Planned Unit Development. This one hundred twenty-five (125) foot open area shall consist of a fifty (50) foot right-of-way easement in favor of the Lake Worth Drainage District, a twenty (20) foot non-exclusive easement to Lake Worth Drainage District to be used for bridle trail purposes, a twenty (20) foot golf cart easement and a thirty-five (35) foot building setback."

Request: Condition No. 22 to read:

22. "The petitioner agrees to maintain a ninety (90) foot separation from the northern property line of the Le Lac Planned Unit Development to the southern property line of the single family dwelling units to be located in Parcel K as depicted on the revised master land use plan for the Polo Club Planned Unit Development. This ninety (90) foot open area shall consist of a fifty (50) foot right-of-way easement in favor of the Lake Worth Drainage District, a twenty (20) foot non-exclusive easement to Lake Worth Drainage District to be used for bridle trail purposes, and a twenty (20) foot golf cart easement. The developer of Parcel K of the Polo Club PUD further agrees to preserve and maintain the existing tree line and understory vegetation located within the twenty (20) foot non-exclusive easement.

Condition No. 25 of Zoning Petition 84-71 which states:

25. "The petitioner further agrees to locate only one (1) story dwelling units in the southern tier of Parcel K

and to further limit all dwelling units within Parcel K to a maximum of two (2) stories in height."

Request : Condition No. 25 to read :

25. "The petitioner further agrees to locate only single family detached patio homes in the southern tier of Parcel K similar to those constructed on Tract H of the Polo Club PUD by Housing Adventures and to further limit all dwelling units within Parcel K to a maximum of two (2) stories in height. Standard development regulations for patio homes and customary accessory uses shall be applied to structures within Parcel K."

The property is located on the northwest corner of the intersection of Clint Moore Road and Military Trail (SR 809) and is bounded on the west by Jog Road in an RS-Single Family Residential Zoning District, in part, and RTS-Residential Transitional Suburban Zoning District, in part was approved as advertised subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition No. 22 of Zoning Petition No. 84-71 (Resolution No. R-84-1298) which states:

"22. The petitioner agrees to maintain a one hundred twenty-five (125) foot separation from the northern property line of the Le Lac Planned Unit Development for housing units to be located in Parcel K as depicted on the master land use plan for the Polo Club Planned Unit Development. This one hundred twenty-five (125) foot open area shall consist of a fifty (50) foot right-of-way easement in favor of the Lake Worth Drainage District, a twenty (20) foot non-exclusive easement to Lake Worth Drainage District to be used for bridle trail purposes, a twenty (20) foot golf cart easement and a thirty five (35) foot building setback."

is hereby amended to state:

"22. The petitioner agrees to maintain a ninety (90) foot separation from the northern property line of the Le Lac Planned Unit Development to the southern property line of the single family dwelling units to be located in Parcel K as depicted on the revised master land use plan for the Polo Club Planned Unit Development. This ninety (90) foot open area shall consist of a fifty (50) foot right-of-way easement in favor of the Lake Worth Drainage District, a twenty (20) foot non-exclusive easement to Lake Worth Drainage District to be used for bridle trail purposes, and a twenty (20)

foot golf cart easement. The developer of Parcel K of the Polo Club PUD further agrees to preserve and maintain the existing tree line and understory vegetation located within the twenty (20) foot non-exclusive easement".

3. Condition No. 25 of Zoning Petition No. 84-71 (Resolution Nu. R-84-1298) which states:

"25. The petitioner further agrees to locate only one (1) story dwelling units in the southern tier of Parcel K and to further limit all dwelling units within Parcel K to a maximum of two (2) stories in height."

is hereby amended to state:

"25. The petitioner further agrees to locate only single family detached patio homes in the southern tier of Parcel K similar to those constructed on Tract H of the Polo Club PUD by Housing Rdventures and to further limit all dwelling units within Parcel K to a maximum of two (2) stories in height. Standard development regulations for patio homes and customary accessory uses shall be applied to structures within Parcel K." Only three (3) of the southernmost patio homes shall be two (2) story.

Commissioner Wilken, moved for approval of the petition.

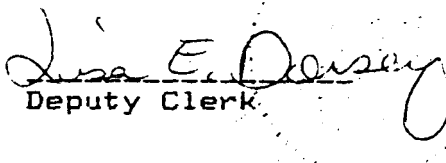
The motion was seconded by Commissioner Elmquist, and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Rye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Rye
Kenneth M. Adams	--	Rbsent


The foregoing resolution was declared duly passed and adopted this 11th day of August, 1987 confirming action of April 24, 1987.

PRLM BEACH COUNTY, FLOFIDA
BY ITS BORRD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGRL SUFFICIENCY



County Attorney